

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JAMES THOMAS,

Plaintiff

Case No. 3:24-cv-00134-LRH-CLB

**ORDER**

v.

MARTHA SIMAS, *et al.*,

Defendants

On March 22, 2024, the Court ordered Plaintiff to submit a fully complete application to proceed *in forma pauperis* (“IFP”) for an inmate housed at Northern Nevada Correctional Center (“NNCC”) by April 19, 2024. (ECF No. 3). Instead of filing an IFP, Plaintiff filed a motion to dismiss the duplicate case filed in 3:24-cv-135-MMD-CSD without incurring any filing fees. (ECF No. 4). The Court now denies the motion as moot because the Court already granted the motion to dismiss the duplicate case in 3:24-cv-135-MMD-CSD. *See Thomas v. Simas*, 3:24-cv-00135-MMD-CSD at ECF No. 9. The Court acknowledges that Plaintiff did submit a complete IFP in the #135 case but notes that Plaintiff will need to file a complete IFP in the instant case. For that reason, the Court grants Plaintiff until May 24, 2024, to submit a complete IFP in the instant case.

For the foregoing reasons, it is ordered that the motion to dismiss duplicate case (ECF No. 4) is denied as moot.

It is further ordered that the Clerk of the Court will send to Plaintiff the approved form application to proceed *in forma pauperis* by an inmate at NNCC and instructions for the same.

It is further ordered that Plaintiff has **until May 24, 2024**, to either pay the full \$405 filing fee or file a complete IFP.

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1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
3 to refile the case with the Court, under a new case number, when Plaintiff can file a  
4 complete IFP or pay the required filing fee.

5 DATED: April 26, 2024

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9 UNITED STATES MAGISTRATE JUDGE  
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